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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/669,517	09/24/2003	Rikuro Obara	051319/0060	4329

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SCHULTE ROTH & ZABEL LLP
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919 THIRD AVENUE
NEW YORK, NY 10022

EXAMINER

HANNON, THOMAS R

ART UNIT	PAPER NUMBER
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3682

DATE MAILED: 05/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/669,517

Applicant(s)

OBARA, RIKURO

Examiner

Thomas R. Hannon

Art Unit

3682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 March 2005.
2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14, 29 and 30 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-14, 29 and 30 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 24 September 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 10/21/04.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Art Unit: 3682

Applicant's election with traverse of Group I in the reply filed on March 24, 2005 is acknowledged, however, as the nonelected claims have been canceled, the traverse is moot.

New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because the drawing filed September 24, 2003 are informal. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 35.

Figure 21 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g).

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The disclosure is objected to because of the following informalities:

Art Unit: 3682

Paragraphs [0066], [0071], [0074], [0077], and [0079] are not understood as they are inconsistent with the drawings. With respect to [0066] it is not understood how the embodiment described as the fourth embodiment may be utilized with the ball bearing shown in Figure 18, as there is no separate inner race to be preloaded in Figure 8. With respect to the remaining paragraphs, these refer embodiments being utilized with ball bearings shown in Figures 20 and 21, yet Figure 21 has been noted as being prior art, and neither of these Figures shows the stepped configuration of the sleeve as described in these paragraphs.

Appropriate correction is required.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 4 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 4 recites "a second ball race formed directly on an inner surface of said sleeve" and "a second row of bearing balls", which implies a first of each, yet no first ball race or first row of bearing balls is positively set forth in the claim or the claims from which it depends.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 29 and 30 are rejected under 35 U.S.C. 102(b) as being anticipated by Horberg (2,953,417). Note element 23 corresponds to the claimed nut.

Claims 1, 10, 13, 29, and 30 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Standing et al. (4,173,376).

Claims 1, 2, 8, 11, 12, 14, and 29 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Miyatake et al. (4,719,352).

Claims 1, 8-10, 12, and 29 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Ogata et al. (5,000,589).

Claims 29 and 30 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Ohtsuki et al. (5,718,049).

Claims 1, 8, 11, 12, 14, and 29 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Beaman (5,829,891).

Claims 1-8, 11-13, 29, and 30 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Bhatt.

Claims 1-4, 6, 7, 10-12, and 29 are rejected under 35 U.S.C. 102(a) as being clearly anticipated by Matsuoka (6,540,406).

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 3682

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Matsuoka as applied to claims 1-4 above, and further in view of EP 786604.

EP '604 discloses in Figure 5 a double-row ball bearing having an embodiment in which the sleeve comprises a larger inner diameter portion and a smaller inner diameter portion, wherein the double-row ball bearing further comprises an outer bearing ring, the outer bearing ring being mounted inside the larger inner diameter portion of the sleeve in an opposing relationship with the inner bearing ring; wherein a first row of bearing balls is set between a ball race of the large diameter portion of the axle and a ball race of the smaller inner diameter portion of the sleeve; and wherein a second row of bearing balls is set between a ball race of the inner bearing ring and a ball race of the outer bearing ring. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the bearing arrangement of Matsuoka such that the double-row bearing includes an outer race in a larger diameter portion of the sleeve, as this is taught and suggested by EP '604, as being an obvious variant for a preloaded double row ball bearing.

Claims 2-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Horberg, Standing et al, Miyatake, Ogata et al, and Beaman, individually, as applied to claim 1 above, and further in view of EP 786604.

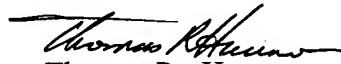
EP '604 discloses a preloaded double-row ball bearing having raceway combinations as set forth in claims 2-7. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the prior art such that the double-row preloaded bearings are modified to the variants taught and suggested by EP '604.

Art Unit: 3682

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas R. Hannon whose telephone number is (571) 272-7104. The examiner can normally be reached on Monday-Thursday (7:30-6:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bucci can be reached on (571) 272-7099. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Thomas R. Hannon
Primary Examiner
Art Unit 3682

trh